

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

STARDOCK SYSTEMS, INC.,

Plaintiff,

vs.

PAUL REICHE III and ROBERT  
FREDERICK FORD,

Defendants.

Case No: C 17-07025 SBA

**ORDER GRANTING PARTIES'  
JOINT MOTION TO MODIFY  
SCHEDULING ORDER WITH  
ALTERATIONS BY THE COURT**

Dkt. 65

AND RELATED COUNTERCLAIM.

On March 22, 2018, the Court entered an Order for Pretrial Preparation. Dkt. 33. The order sets forth various litigation deadlines, including a deadline of July 17, 2018 to amend the pleadings. *Id.* On September 18, 2018, the parties filed a joint motion to modify the pretrial schedule. Dkt. 65. The parties request that the Court continue all of the pretrial deadlines up to and including the briefing deadlines for motions in limine. *Id.* The motion encompasses the deadline to amend pleadings, which has already passed. *Id.* It does not encompass the pretrial conference and trial dates. *Id.*

As a threshold matter, the Court notes that the deadline to amend pleadings passed on July 16, 2018. On that date, the parties filed the operative Second Amended Complaint, Dkt. 51, and Amended Counterclaim, Dkt. 50. The parties did not seek to modify the deadline to amend pleadings until September 18, 2018, more than two months after the deadline passed. Nor have they provided an explanation as to why an extension was not sought sooner. The Court generally does not extend deadlines retrospectively, and the parties are advised to be aware of this in the future. Going forward, the Court will summarily deny any request to extend a deadline after its expiration.

Nevertheless, the Court is mindful of the complexities of this action, and appreciates that the parties have met and conferred to propose a mutually agreeable schedule. The joint motion to modify the pretrial schedule is therefore GRANTED, with alterations by the Court. Specifically, the parties' proposed schedule does not provide sufficient time between various deadlines, including the law and motion cutoff and the pretrial preparation filings. Accordingly,

IT IS HEREBY ORDERED THAT the Order for Pretrial Preparation (Dkt. 33) be MODIFIED as follows:

- |   |                     |
|---|---------------------|
| 1. Deadline to Amend Pleadings                | 10/15/18            |
| 2. Close of Fact Discovery                    | 12/21/18            |
| 3. Initial Expert Disclosure & Reports        | 01/11/19            |
| 4. Rebuttal Expert Designation                | 02/08/19            |
| 5. Close of Expert Discovery                  | 02/22/19            |
| 6. Law and Motion Cutoff                      | 05/22/19            |
| 7. Pretrial Preparation Filings               | 06/19/19            |
| 8. Motions in Limine & Objections to Evidence | 07/03/19            |
| 9. Oppositions/Responses                      | 07/10/19            |
| 10. Replies                                   | 07/17/19            |
| 11. Pretrial Conference                       | 08/14/19            |
| 12. Trial                                     | 08/26/19            |
| 13. Mandatory Settlement Conference           | 05/27/19 - 07/12/19 |

IT IS SO ORDERED.

Dated: 10/2/2018

  
SAUNDRA BROWN ARMSTRONG  
Senior United States District Judge